

**Minutes of Meeting
Grafton Planning Board
May 19, 2008**

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A regular meeting of the Grafton Planning Board was held on Monday, May 19, 2008 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Peter Parsons, Vice-Chairman, Robert Hassinger, Clerk Keith Regan, Richard McCarthy and Christophe G. Courchesne. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Parsons called the meeting to order at 7:00 p.m.

Chairman Parsons extended congratulation to Mr. Courchesne on his recent election to member status on the Planning Board.

REORGANIZATION

A. Election of Officers

Chairman

Nomination by Mr. Regan, **SECOND** by Mr. McCarthy, for Christophe Courchesne as Chairman.

Mr. Courchesne agreed to accept the nomination.

Voted as follows: for Mr. Courchesne: Unanimous 4 to 0

Christophe Courchesne was elected Chairman.

Vice-Chairman

Nomination by Mr. Parsons, **SECOND** by Mr. McCarthy, for Keith Regan as Vice Chairman.

Voted as follows: for Mr. Regan: Unanimous 4 to 0.

Keith Regan was elected Vice-Chairman.

Clerk

Nomination by Mr. McCarthy, **SECOND** by Mr. Regan, for Peter Parsons as Clerk.

Voted as follows: for Mr. Parsons: Unanimous 4 to 0.

Peter Parsons was elected Clerk.

B. Designate delegate to CMRPC

Nomination by Mr. Regan, **SECOND** by Mr. Parsons, for Robert Hassinger to serve as **Planning Board Delegate** to the **Central Massachusetts Regional Planning Commission** for the upcoming year. **MOTION** carried unanimously 5 to 0.

C. Designate member to Town Owned Land Committee

Nomination by Mr. McCarthy, **SECOND** by Mr. Parsons, for Keith Regan to serve as **Planning Board Representative** on the **Town Owned Land Committee** for the upcoming year. **MOTION** carried unanimously 5 to 0.

D. Designate members to Sign

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to designate the Chairman or Vice-Chairman to sign ANR plans if the Town Planner is unable to sign. **MOTION** carried unanimously 5 to 0.

G. Authorize Town Planner to:

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to authorize the Town Planner sign the payroll and ANR plans on behalf of Planning Board after Board approval. **MOTION** carried unanimously 5 to 0.

SP 2008-7 NEW CINGULAR WIRELESS PCS, LLC BY ITS MANAGER AT&T MOBILITY CORPORATION (AT&T), (APPLICANT) – ROGER J. ELLIS (OWNER) – CO-LOCATION 160 REAR UPTON STREET

Chairman Courchesne recused himself due to a conflict of interest.

Mr. Parsons read the legal notice and Vice-Chair Regan opened the public hearing.

Present for the hearing was Jonathan McNeal, Real Estate Consultant for AT&T/New Cingular Wireless.

Mr. McNeal informed the Board they would be installing twelve antennae at 78 feet on the existing 100-foot cell tower located at 160 R Upton Street.

Mr. McNeal reviewed the submitted application information with the Board, specifically the revised site plan showing the change to the shelter location.

Mr. McCarthy asked whether coverage was available at the 78-foot level on the tower. Mr. McNeal stated the antennae used travel at a lower frequency and are able to travel further.

Craig Juelis of 44 Browns Road questioned whether the coverage was needed at all, since they had experienced additional coverage on their cell phones without the antennae installed yet and the area proposed was not even within the balloon testing area for the previous cell tower permit testing. Mr. Juelis also noted he had a crack in his foundation and was unable to make a determination whether it was a direct result of the blasting associated with the cell tower installation. Mr. Juelis added he was never notified of the blasting and has not received a return call from the Fire Department after inquiring about the issue. Mr. Juelis informed the Board of the various studies being compiled linking cancer with EMF sites, adding these health concerns were in addition to the concerns of house values of area homeowners being lost due to the proximity of the cell towers to their homes. Mr. Juelis also questioned the method used to calculate the site plan set backs from the surrounding homeowners' properties.

Mr. McNeal expressed concerns to the Board that these issues are with regard to the installation of the cell tower previously and not to the co-location of antennae on the already existing tower. Mr. McNeal noted the antennae were added at this co-location due to complaints from their customers with regard to coverage in the area.

Mr. Hassinger stated that he had raised some concerns about the requests for the cell tower at this area for 150-feet for adequate coverage, which was eventually permitted for 100-feet only. The Board noted that AT&T/Cingular is now co-locating on the same tower at 78-feet and getting the coverage they need in the area.

Mr. McNeal explained that AT&T uses a lower frequency than other companies which travels further and provides more coverage.

Mr. Regan noted a lot of the discussion/questions were addressing the previous tower permit and not the co-location application before them.

Mr. Juelis expressed additional concerns for the health effects studies regarding cell phones/towers and the Federal government guidelines.

Mr. Hassinger explained to Mr. Juelis that under the Federal Telecommunications Act the Board is not allowed to make decisions/findings on health effects testimony, and the Board needs to limit excessive public hearing input with regard to this issue.

Mr. Parsons informed Mr. Juelis that he empathized with him, but stated that all persons are in the same situation if they are not situated on a property sizeable enough to prevent one from being within the towers abutters.

Mr. Regan noted that the by-law does encourage co-locations to allow the Town to limit the number of cell towers within the Town.

Lisa Rice of 40 Browns Road asked the Board about a concrete slab at the tower and whether the applicant had begun work within the site before receiving approval.

Mr. McNeal informed the Board that the slab belonged to Verizon and not to AT&T/Cingular.

Ms. Rice also questioned the applicant's submittal date of the application, since they have had plenty of coverage in the area without the antennae installation.

Mr. McNeal explained that there is an approximate \$200,000.00 total cost involved with installing antennae on an existing tower, and the cell phone companies do not incur these costs without reason. Mr. McNeal stated the signal within the area is in and out, indicating the presence of a non-consistent signal.

Mr. McCarthy noted that the site plan issues were information to be addressed by the Building Inspector.

MOTION by Mr. Hassinger, **SECOND** by Mr. McCarthy, to close the public hearing. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to direct Staff to draft a decision, taking into consideration all the information received and the conditions discussed.

DISCUSSION: Mr. Regan requested Mr. Bishop follow-up on the bonding aspect of the special permit.

MOTION carried unanimously 4 to 0.

**SP 2008-6 GRAFTON CROSSING / REGINALD D. ANDERSON
(APPLICANT/OWNER) – MULTI-USE BUSINESS ESTABLISHMENT TO
ACCOMMODATE INDOOR MINIATURE GOLF FACILITY AND A
SEASONAL ICE CREAM PARLOR WITH OUTSIDE SERVICE WINDOW**

Mr. Parsons read the legal notice and Chairman Courchesne opened the public hearing at 7:37 p.m.

Present for the hearing were Reginald Anderson, applicant/owner and his engineer Michael Yerka of Yerka/Bacon Engineering, LLC.

Mr. Bishop informed the Board that Mr. Anderson had applied for an occupancy permit for the submitted business uses and was told by the Building Inspector that a special permit would be required, since they would not be covered by the pre-existing, non-conforming uses. Mr. Bishop noted that Graves had supplied review comments on the project and comments have been received this afternoon from the Conservation Commission.

Mr. Anderson introduced himself to the Board; gave a brief history of the site, which he stated was very old; and that he had invested in the property years ago when it was a defunct nightclub. Mr. Anderson added that he had remodeled the interior of the building and submitted pictures of the interior to the Board. Mr. Anderson explained to the Board the concept of the indoor miniature golf facility and the plan for the ice cream parlor.

Mr. Yerka reviewed the site revised site plan, specifically the parking situation and the planned traffic flow. Mr. Yerka noted the front parking area will be bituminous concrete and the rear will be a gravel mix, which is over the septic system. Mr. Yerka pointed out a designated delivery area and stated that with regard to the Graves Engineering comment concerning the turn-around area in the rear, he would reclaim an additional parking space to be designated as turn-around area.

Mr. Regan expressed concerns that the traffic control seemed a little frantic and he was afraid patrons might be backing out onto Route 30, presenting a traffic hazard. Mr. Yerka offered to remove the small table area by the ice cream parlor area and use the deck area in the rear.

Mr. Regan also questioned what criteria the parking calculations were based on.

Mr. Yerka stated they were based on one parking space per 3 seats (recreation/restaurant combination) and one space for each employee (nine for the entire building), bringing the required minimum number of spaces to 42. Mr. Yerka noted they have 45 spaces.

Mr. Anderson reviewed the entire seating possibilities for all of the uses that would be sharing the building, stating their goal was a family entertainment center that is safe.

Mr. McCarthy questioned the comment on the reference to a drive-thru coffee server.

Mr. Yerka stated this was added on for the purpose of future use and would be left open in case they decided to return to the Board to request the use.

Mr. Parsons stated he appreciated the offer to modify the seating area in the front, and asked if the deck would be protected by a pylon.

Mr. Regan asked if the pizza place had a liquor license. Mr. Anderson stated there was no liquor license in the building at all.

Mr. Hassinger pointed out that there are restrictions within the by-law regarding signs and this should be taken into consideration with the site plan.

Mr. Hassinger also had concerns for the roadway visibility for Route 30 and that the traffic control plan will show something on the plan that is not allowed.

Chairman Courchesne informed the applicant there were a number of revisions that needed to be made on the plan and specified that the sign types and locations also be checked for By-law requirements.

Mr. Hassinger asked the applicant if they were seeking any waivers from the Planning Board. Mr. Yerka noted the building side setback would require a waiver and possibly the parking. Mr. Hassinger stated the Planning Board has no power to waive setback requirements.

Mr. Anderson wished to note that there have been two existing businesses at this site and there has never been any question with the parking and asked the Board if they could waive the need for a traffic study to expedite the permitting, since he already has a person ready to sign a lease.

Chairman Courchesne informed the applicant he needs to revise the plans; get them to Graves Engineering for review at least a week before the next public hearing and the Board can also address the non-conformity issue at that time.

Mr. Hassinger suggested the applicant look at closing up some of the curb cuts and revise the plan to lay out a better circulation plan for the circulation of cars.

Jean Anderson of 61 Old Upton Road asked the Board if they were opposed to the indoor mini golf and ice cream parlor.

The Board stated the uses were not a concern, but the traffic and parking were.

Bryan Gatley of 15 Institute Road, Manager of one of the current businesses at the site, requested the Board point out exactly what needs to be changed/corrected and whether the concept will work or not, so that whatever changes they make will be acceptable to the Board.

The Planning Board agreed unanimously that if the applicant makes an effort to reduce the curb cuts and provide a better traffic circulation plan, they would consider waiving the traffic study. Mr. Hassinger added the applicant should also supply the Board with information on site distances and visibility.

Mr. Hassinger also noted there was a memo from the Conservation Commission concerning some confusion on issues to be addressed.

MOTION by Mr. Hassinger, **SECOND** by Mr. Parsons, to accept the applicant's written request to continue the public hearing to June 9, 2008 at 7:00 p.m. **MOTION** carried unanimously 5 to 0.

**SP 2008-4 EXCLUSIVE PROPERTIES, LLC (APPLICANT / OWNER)
ADDITIONAL 6 MULTI-FAMILY UNITS – 309 PROVIDENCE ROAD – SOUTH
GRAFTON – EXCLUSIVE PROPERTIES, LLC / RONALD HENAULT**

Chairman Courchesne stated a letter had been received from J. M. Grenier Associates on behalf of Exclusive Properties, LLC requesting the hearing be continued to the next public hearing date in June, 2008, due to ongoing work on revising the design plans and drainage calculations.

MOTION by Mr. Regan, **SECOND** by Mr. Parsons, to accept the applicant's written request to continue the public hearing to June 23, 2008 at 7:00 p.m.

DISCUSSION: Mr. Hassinger stated the Board had two choices of either denying the application or accepting the applicant's written request for the first meeting in June, 2008, since there is no one here to sign a continuance request.

Chairman Courchesne stated he did not see this as an issue since it falls to the Board's discretion and an applicant is not always granted the continuance date they request.

Ms. Morgan added that Mr. Grenier had already been informed that the public hearing would probably be continued by the Board to June 23, due to a significant number of public hearing scheduled for the June 9th Planning Board meeting.

MOTION carried unanimously 5 to 0.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – “WOODS AT
STONEGATE” SUBDIVISION – ART-LOT ACRES DEVELOPMENT
CORPORATION (APPLICANT/OWNER) OFF NORTH STREET & BICKNELL
ROAD - EXTEND CONSTRUCTION DEADLINE**

Mr. Parsons read the legal notice and Chairman Courchesne opened the public hearing at 8:38 p.m.

Present for the applicant was Brian MacEwen of Graz Engineering, Inc.

Mr. Bishop informed the Board he had discussed the project status, submitted with the applicant's application, with Jeff Walsh of Graves Engineering and that all of the information does conform to the information in the Planning Office files. Mr. Bishop also noted there was correspondence from the Conservation Commission with regard to DEP violations for restoration and replication work not being completed to date.

Mr. MacEwen stated the applicant has contacted homeowners on work to be done on site, but no agreements have been reached to date and that he has been trying to work towards an end with the Conservation Commission.

Mr. Hassinger noted he did not feel the whole story is being told here, since so much time has elapsed since the start of the subdivision in 2000.

The Board discussed what their options were for the subdivision. Mr. Hassinger suggested denying the request.

MOTION by Mr. McCarthy, **SECOND** by Mr. Regan, to close the public hearing.

DISCUSSION: Mr. Hassinger noted he was interested in exploring the Board's options and asked how much was being held in bond security.

Mr. Mac Ewen stated that the developer was dealing with individuals on private property to complete the work required and in understanding this problem is forced to incur ongoing maintenance costs each year for the subdivision while trying to settle the issues.

Chairman Courchesne and Mr. Regan suggested requiring the developer to meet with the Board at a Planning Board meeting next month.

Mr. Hassinger suggested the Board could schedule a public hearing on failure to complete/default of the subdivision.

Chairman Courchesne stated he was not interested in taking the bond.

Mr. Bishop noted the Board needs to create a paper trail for what and when the work has been completed that can be referred back to if a default becomes necessary for a subdivision.

Mr. Hassinger requested the Board schedule having designated persons come in and talk about what exactly the problem is, in order to find a solution to completing the subdivision.

Mr. McCarthy noted he did not think the Planning Board should get into any disputes being conducted over private property negotiations with the developer and the homeowners. Mr. McCarthy suggested granting a three month extension and requiring the developer to provide a written timeline within a designated period of time, and keeping the public hearing open until the Board has received the timeline.

MOTION carried 4 to 1 by roll call vote: Parsons-aye; Hassinger-no; Courchesne-aye; Regan-aye; McCarthy-aye.

MOTION by Mr. Regan to grant the applicant's written request to extend the construction deadline for three months contingent upon the receipt of a timeline.

DISCUSSION: After the Board's discussion of the motion, Mr. Regan withdrew his motion.

MOTION by Mr. Regan, **SECOND** by Mr. Parsons, to direct Staff to draft a decision, taking into consideration all the information received and the conditions discussed, and contingent upon receipt of the requested timeline from the developer one week prior to the designated deadline, specifically no later than June 5, 2008; the Board will then consider granting a three month construction extension. **MOTION** carried unanimously 5 to 0.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to approve the open session minutes of April 28, 2008 as drafted. **MOTION** carried 4 to 1 with Chairman Courchesne abstaining.

MOTION by Mr. McCarthy, **SECOND** by Mr. Regan, to approve the open session minutes of the special meeting on May 12, 2008 as drafted. **MOTION** carried unanimously 5 to 0.

STAFF REPORT

Mr. Bishop informed the Board a memo has been received from Town Engineer Stephen Risotti stating that he has determined, based on project file information and a recent site visit, that Magill Associates has satisfactorily completed their portion of work for the Bruce Street intersection.

Mr. Bishop also informed the Board that the Board of Selectmen had unanimously approved the Intersection improvement plan, submitted by Mass. Highway for Routes 122/122A, with regard to the compliance with Condition #24 of the Definitive Plan Approval for Brookmeadow Village Subdivision. Mr. Bishop stated that once the improvements are completed, this will allow for the release of all remaining lots from the existing covenant. Mr. Bishop noted that Brookmeadow Village LLC will be putting up a performance bond for the release of the Covenant at the June 9, 2008 Planning Board meeting. Mr. Bishop added that DPW Superintendent Toma Duhani did not approve the plan and may request some additional reports prior to construction.

Mr. Bishop stated Building Inspector Robert Berger has issued a memo regarding his current opinion that a zoning permit can be issued for the athletic field if a special permit is approved by the Planning Board. Mr. Bishop also noted the office had received a list of Proposed Conditions for Inclusion in the Special Permit from Esprit Realty, which would be placed in the Boards mailboxes for review.

Mr. Bishop briefly reviewed the upcoming June 9 Planning Board meeting stating that Graves Engineering is preparing review comments for the “Brigham Hill Estates” Subdivision Definitive Plan Approval hearing; Grafton Suburban Credit Union will be requesting approval to relocate one sign and sign relief for a second sign; the Building

Inspector will be issuing a determination on “moving signs”; and an application for the keeping of chickens on under 5 acres.

Mr. Bishop remarked that the “Magnolia Farms” Subdivision bids have been extended for a couple of weeks, with five companies requesting the plan sets to date.

Mr. Bishop stated the Associate Member ad has been in the Grafton News previously and will again be repeated in the Grafton News this week in an effort to fill this position.

The Board discussed directing Staff to draft a letter to previous member Donald Chouinard to thank him for his participation with the Board.

MOTION by Mr. Parsons, **SECOND** by Mr. Regan, to draft a letter of recognition to Donald Chouinard expressing the Board’s sentiments. **MOTION** carried unanimously.

Mr. Bishop suggested the Board revisit the option of having the Planning Board meetings televised.

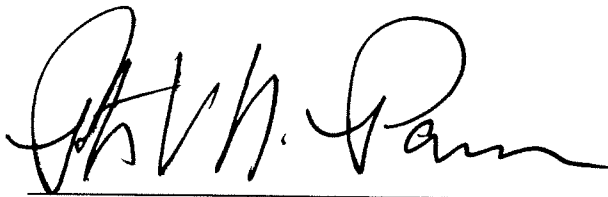
Mr. Hassinger stated the funding was there and he was in favor of it.

Mr. Regan stated it was worth it if only for the Mullin Rule benefit.

MOTION by Mr. Regan, **SECOND** by Mr. Parsons, to approve live meeting broadcasts for the Planning Board meetings. **MOTION** carried 4 to 1 by roll call vote: Parsons-aye; Hassinger-aye; Courchesne-aye; Regan-aye; McCarthy-no.

MOTION by Mr. Regan, **SECOND** by Mr. McCarthy, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 9:35 p.m.

A handwritten signature in black ink, appearing to read "Peter Parsons", written over a horizontal line.

Peter Parsons, Clerk